



# Wyoming Department of Agriculture

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May 24, 2005

Wyoming Department of Environmental Quality  
Water Quality Division  
122 West 25th Street  
Herschler Building, 4th Floor-West  
Cheyenne, Wyoming 82002

Dear Bill DiRienzo:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the Wyoming Department of Environmental Quality's (DEQ) reclassification of the unnamed tributary to Poison Spider Creek in the North Platte River Basin.

Our comments are specific to mission within state government which is to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal will have major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

We support the Use Attainability Analysis (UAA) on the unnamed tributary to Poison Spider Creek. After reading the UAA we understand the tributary exceeds the Class 3B standards for Hydrogen Sulfide and Chloride. The UAA summary states the current discharge provides a dilution for elevated selenium concentrations. A variance may be permissible in this situation for the oil and gas facility. A cost and benefit analysis could be created to compare the advantages of continuing extraction of oil and gas with discharge of water with high levels of Hydrogen Sulfide and Chloride versus no oil and gas extraction and no discharge of water.

We have read the draft revision of Chapter 1 and strongly support the addition of the Agricultural Use Protection Policy Section 20. The second part of Section 20 on Livestock Watering gives the acute toxicity standards for livestock. According to the UAA for the unnamed tributary to Poison Spider Creek, the maximum levels for Chloride are 2000 mg/L and the highest test levels measured on the tributary was 451 mg/L. The maximum levels of Sulfate are 3000 mg/L, and the highest level of sulfides is 74.4 mg/L on UAA for the tributary. The UAA should test for Sulfate to stay consistent with Chapter 1, or Chapter 1 should have toxicity levels for Sulfide to match lab testing for the UAA. Finally, the maximum amount of Selenium in Chapter 1 is 50 µg/L, and the UAA is <.0001mg/L. Again, you should have the same comparison. In this case, you have differences in measurements, "m" versus "µ."

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DEQ—Poison Spider Creek Tributary

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We would like to add a section to Chapter 1 for Plant Toxicity. There should be acute toxicity levels for plants. If irrigation were to occur from this creek, would the plants die? Other plants such as two-grooved milk vetch should be considered in regards to toxins being released into streams. This particular plant will collect selenium from the ground, store it in their leaves and when eaten, large amounts of selenium collect in an animal's body causing illness or death. Therefore adding additional selenium levels could be very harmful and costly to livestock producers.

We recommend testing be continued and landowners, Wyoming Game and Fish, and livestock operators be informed of any significant increases in toxicity levels. Class 4 may have a high acceptability level for toxicity, but the soils may be collecting these chemicals and releasing them when water levels are higher, such as spring runoff.

The creation of wetland and wildlife habitat with the discharge water has proven to be a net environmental benefit. We encourage the Department of Environmental Quality to continue to find other opportunities to create these environments, but to also monitor acute toxicity levels while creating watersheds that benefit both livestock and wildlife.

Thank you for the opportunity to comment.

Sincerely,



John Etchepare  
Director

JE/jw

Cc: Governor's Planning Office  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Rocky Mountain Farmers Union  
Wyoming Association of Conservation Districts  
Wyoming Farm Bureau Federation  
Wyoming State Grazing Board